

PROJECT RAINBOW II
SCENARIOS

Biley Bill (101st Cong.)

A
(Base-line Concessions)

B
(Moderate Case)

C
(Worst Case)

Preemption & FDA Regulation

- Preemption and FDA regulation off the table.

Advertising and Promotion

- No change in current law.
- Billboard restrictions (i.e., within 500 feet of an elementary or secondary school).
- Ban paid product placement.
- No change in current law.
- Ban sports stadia product advertising.
- Billboard restrictions (i.e., within 500 feet of any school where students under age 18 attend).
- Ban paid product placement.
- Codify Voluntary Advertising and Promotion Code provisions on advertising and promotion to the extent they are not otherwise addressed in this list (e.g., no ads in
- Ban sports stadia product advertising.
- Billboard restrictions (i.e., within 750 feet of any school where students under age 18 attend).
- Ban paid product placement.
- Codify Voluntary Advertising and Promotion Code provisions on advertising and promotion to the extent they are not otherwise addressed in this list.
- Ban sports stadia product advertising.
- Billboard restrictions (i.e., within 1,000 feet of any school where students under age 18 attend).
- Ban paid product placement.
- Codify Voluntary Advertising and Promotion Code provisions on advertising and promotion to the extent they are not otherwise addressed in this list.

2040411491

2040411491

Biley Bill (101st Cong.)

A
(Base-line Concessions)

B
(Moderate Case)

C
(Worst Case)

- publications directed primarily to those under age 21; no ads depicting persons appearing to be well-known athletes or under age 25, or suggesting that smoking promotes attractiveness or good health; clothing bearing brand names or logos must be in adult size only).
- Ban display of cigarette trademark on any video game or arcade game.
 - No change in current law.
 - No change in current law.
 - No change in current law.
- Ban ads on any audiotape, disc, videotape, film or video arcade game.
- No change in current law.
 - No change in current law.
 - No change in current law.
- Ban ads on any audiotape, disc, videotape, film or video arcade game.
- Ban inner-city billboard/poster/transit ads. (Note: We will need to define "inner city" -- e.g., within core city limits).
- Ban brand name sponsorship of entertainment events.
- Require nontobacco promotional ("utilitarian") items (e.g., hats, t-shirts and pens) bearing a tobacco trademark to carry a warning label.
- Ban ads on any audiotape, disc, videotape, film or video arcade game.
 - Ban inner-city billboard/poster/transit ads. (Note: We will need to define "inner city" -- e.g., within core city limits).
 - Ban brand name sponsorship of all events (including entertainment, sports and cultural events), except allow auto sports.
 - Ban sale and distribution of nontobacco promotional ("utilitarian") items (e.g., hats, t-shirts and pens) bearing a tobacco trademark.

2040411492

~~CONFIDENTIAL~~

Biley Bill (101st Cong.)

A
(Base-line Concessions)

- No change in current law.
- No change in current law.

B
(Moderate Case)

- No change in current law.
- No change in current law.

C
(Worst Case)

- Ban sporting equipment/ clothing bearing a tobacco trademark, except allow auto sporting equipment/clothing with a warning label.
- Require tombstone ads only, but permit color and imagery (no people or characters); in absolute worst case, may have to accept pure tombstone ad requirements (*i.e.*, no color or imagery, as well as no people or characters) or possibly a complete ban on advertising.

Youth

- Sampling ban (*i.e.*, no sampling on public streets, sidewalks, or parks, except in places where persons under age 18 are denied admission).
- Codify Voluntary Advertising and Promotion Code restrictions on sampling (*e.g.*, no sampling on public streets, sidewalks or parks, except in places open only to persons who may lawfully buy cigarettes; no use of mails to distribute unsolicited cigarette samples; no mail samples without age (21) certification; no
- Sampling ban, except allow solicited samples through the mail.
- Complete sampling ban (*i.e.*, streets, events and through the mail).

~~SECRET~~

~~REF ID: A6942~~

~~CONFIDENTIAL~~

~~TOP SECRET~~

~~PRIVILEGED AND CONFIDENTIAL~~

Biley Bill (101st Cong.)

A
(Base-line Concessions)

- No change in current law.
- Enforcement if 18-year-old uniform minimum age laws, except that prohibition against distribution/receipt does not apply to family members or acquaintances or to employees of a cigarette manufacturer, distributor or retailer.
- No change in current law.
- Vending machine controls (i.e., no vending machine in any place open to the public, unless the machine is supervised or the place is licensed to sell alcoholic beverages for consumption on the premises; notice of minimum age law also is required).

B
(Moderate Case)

- Samples to anyone appearing to be less than 21 (without reasonable identification to the contrary)).
- No change in current law.
- Enforcement of 18-year-old uniform minimum age laws.
- Smoking ban in elementary schools and day-care centers.
- No change in current law.

C
(Worst Case)

- Controls on discounts and coupons (e.g., age certification).
- Enforcement of 18-year-old uniform minimum age laws.
- Smoking ban in elementary schools and day-care centers.
- Vending machine controls.
- Ban discounts and coupons.
- Enforcement of 18-year-old uniform minimum age laws.
- Smoking ban in all pre-college schools and in day-care centers.
- Vending machine ban.

PRIVILEGED AND CONFIDENTIAL

Biley Bill (101st Cong.)

- N/A. (But civil penalties of up to \$200 per violation apply to enforce minors' law, although reasonable reliance on proof of age or on the appearance of the purchaser is a defense.)

A
(Base-line Concessions)

- No change in current law. (ADAMHA current law "carrot and stick" approach to the states applies.)

B
(Moderate Case)

- Codify selected ADAMHA requirements for states to the extent not otherwise addressed in this list (*i.e.*, random and targeted inspections to enforce 18-year-old law; requirement that states have other well-designed procedures to reduce likelihood of violations, such as graduated schedule of penalties).

C
(Worst Case)

- Codify selected ADAMHA requirements for states to the extent not otherwise addressed in this list (*i.e.*, random and targeted inspections to enforce 18-year-old law; requirement that states have other well-designed procedures to reduce likelihood of violations, such as graduated schedule of penalties), plus other requirements based on the finalization of HHS proposed ADAMHA regulations (expected in March).

Warnings

- Six warnings (simplified versions of existing warnings).
- Warning to appear in darkest or lightest color on packages, whichever provides the greatest contrast, enclosed by a border; letters in all caps in the same size as caps in

- New warning on addiction.
- More prominent (*i.e.*, size) warnings on package side panel, and larger billboard warnings.

- New warnings on addiction, effect of ETS on child development and minimum age requirements.
- More prominent (*i.e.*, size, color and format) warnings on package side panel, and larger billboard warnings.

- New warnings on addiction, effect of ETS on child development, minimum age requirements and "Cigarettes Can Kill You."
- More prominent warnings (*i.e.*, size, color and format) on front and back of packages, and larger billboard warnings.

PRIVILEGED AND CONFIDENTIAL

Biley Bill (101st Cong.)

A
(Base-line Concessions)

B
(Moderate Case)

C
(Worst Case)

the current warning.
Larger warnings in print ads (20 percent increase in area of label statement) and billboards (50 percent increase).

- No change in current law.
- Remove "Surgeon General's" attribution.
- Application of warnings to exports (in English).

Ingredients/Constituents

- Require disclosure of adequate poundage used of each ingredient in industry-wide list submitted to HHS each year.
- No change in current law.
- Enhanced disclosure of ingredients to HHS: aggregate poundage used of each ingredient on the industry-wide list of ingredients submitted to HHS annually or range of ingredient amounts used in any given (but unnamed) brand.
- Enhanced disclosure of ingredients to the public: food disclosure model (on packs), which means that flavorings, fragrances, spices and colorings may be listed generically, with de minimis threshold (i.e., no disclosure of
- Cartons must list in descending order of predominance by weight (exact quantities not disclosed) each added ingredient present in a quantity greater than 1 percent by weight of the cigarette, except that spices, flavorings,
- No change in current law.
- Enhanced disclosure of ingredients to HHS: maximum usage levels (as used in any one (but unnamed) brand) for each ingredient on the industry-wide list of ingredients submitted to HHS annually.
- Enhanced disclosure of ingredients to the public: food disclosure model (on packs), which means that flavorings, fragrances, spices and colorings may be listed generically, with definitions of "ingredient" and

~~CONFIDENTIAL~~

PRIVILEGED AND CONFIDENTIAL

Biley Bill (101st Cong.)

colorings and fragrances may be listed generically.

- Codify existing arrangement with FTC for testing and reporting of tar, nicotine and carbon monoxide and require FTC to publish these ratings annually.
- No change in current law.

A
(Base-line Concessions)

- No change in current law.

- No change in current law.

◦ N/A

B
(Moderate Case)

ingredients in amounts less than 1 percent [or .1 or .01].

- Codify existing arrangement with FTC for testing and reporting of tar, nicotine and carbon monoxide and require FTC to publish these ratings annually.

- No change in current law.

◦ N/A

C
(Worst Case)

"tobacco" (so as to exclude from disclosure processing aids, pesticides and reconstituted tobacco).

- Brand-by-brand disclosure to public (*i.e.*, on packages and ads) and to HHS of tar, nicotine and carbon monoxide levels.

- Information to HHS on major constituents besides tar, nicotine and carbon monoxide, *i.e.*, which constitute collectively approximately 99% (by weight) of constituents of a tobacco product. (This is expected to amount to about 4 to 6 constituents (in addition to the three major ones identified above) and will be identified by the scientists in Richmond.)

◦ N/A

~~SECRET~~

PRIVILEGED AND CONFIDENTIAL

Biley Bill (101st Cong.)

A
(Base-line Concessions)

B
(Moderate Case)

C
(Worst Case)

Education

- Establish a Center on Tobacco and Health.
- N/A (until Kennedy bill introduction).
- N/A (until Kennedy bill introduction).
- N/A (until Kennedy bill introduction).

2040411498
2040411498